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ADMITTED IN:
NY, FEDERAL, AND U.S. SUPREME

December 4, 2019

VIA ECF

The Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

**Re: Loss Mitigation Status Report
Chapter 7 Debtor: Louise Riccio
Case No.: 17-22989 (rdd)**

Dear Judge Drain:

Please allow this letter to serve as a status report in the pending Loss Mitigation pursuant to the Southern District of New York Bankruptcy's Loss Mitigation Program. Our office represents the Debtor, Louise Riccio, in the above referenced case.

In September and October there was confusion as to which firm was the attorney of record in regard to Loss Mitigation. On September 4, 2019 Gross Polowy filed a status letter indicating that servicing had moved to Rushmore and Gross Polowy was waiting to be advised if they would be continuing as attorney on this case. On September 10, just prior to the last LM hearing on September 11, a Notice of Appearance was filed in the matter by Sheldon May & Associates.

On October 7th we were asked by Rushmore to provide proof that the debtor was the successor in interest to the deceased borrower, Nicholas Riccio. When we provided same, we copied Sheldon May and Associates. It was then that we were told by Sheldon May's bankruptcy department that Gross Polowy was again the attorney of record. On October 21, 2019 Gross Polowy filed a notice of appearance. This resulted in uncertainty as to what the next step was to be – we in fact anticipated that Rushmore would be filing a new creditor affidavit specific to their requirements.

None was filed and on October 21 we received notice that Rushmore had accepted the debtor as successor in interest and that we should be receiving a decision regarding a modification within 30 days.

On November 4, 2019 a denial was issued by Rushmore based on insufficient income, but there was no data inputs included to indicate how the decision was reached. On December 3, 2019 we appealed the decision asking to be provided with the data and further stating that there was a change of circumstance of an increase in income and seeking to be allowed to submit one more loss mitigation package.

We ask that Loss Mitigation be continued until we receive a response to our appeal and request.

Thank You.

Very Truly Yours,

/s/ Scott B. Ugell
Scott B. Ugell

CC: Gross Polowy LLC/